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DATE: September 9, 2002

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TO: **Examiner Jana Hines**  
GAU 1645  
United States Patent & Trademark Office

FAX NO.: (703) 308-4242

PHONE NO.: (703) 305-0487

FROM: Mark J. Hyman (Reg. No. 46,789)

RE: Application No. 08/961,083 (Atty. Docket No. PB340P2)

Attached please find the response we discussed by telephone this morning. Please let me know if you need anything more. Thanks for your assistance.

If you experience any difficulty receiving this transmission,  
please contact Mark J. Hyman at (240) 314-1224.

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Via FACSIMILE SEPTEMBER 9, 2002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Choi et al.

Application Serial No.: 08/961,083

Filed: January 3, 1997

For: *Streptococcus pneumoniae* Antigens and Vaccines

Atty. Docket: PB340P2

Examiner: Hines, J.

Art Unit: 1645

#  
27Linda  
9/18/02**REPLY TO NOTICE OF NON-COMPLIANT AMENDMENT (37 C.F.R. § 1.121)**Commissioner for Patents  
Washington, D.C. 20231

Sir:

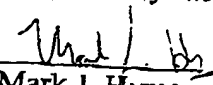
Further to the undersigned's telephone conversation today with the Examiner, Applicants respectfully assert that the response to the Notice of Non-Compliant Amendment (37 C.F.R. § 1.121), dated August 9, 2002, was issued in error by the Office. In particular, the Rule 312 amendment in question was filed April 27, 2000, prior to the effective date of revised Rule 121. However, the amendment was erroneously disapproved by the Office as being submitted after payment of the issue fee, although the issue fee was actually paid on the same date as the amendment. After a successful petition to withdraw the case from issue, a Continuing Prosecution Application (CPA) was filed on December 11, 2000, requesting entry of the previously submitted amendment.

Thus, as discussed with the Examiner, since the amendment was submitted on April 27, 2000, and is in full compliance with the version of Rule 121 effective on that date, the instant Notice has been mailed in error and should be withdrawn. Applicants respectfully request that the amendments and remarks made in the amendment of April 27, 2000, be entered and made of record in the present application.

The Examiner is invited to call the undersigned at the phone number provided below if any further action by Applicants would expedite the examination of this application. No fee is believed due, but if a fee is required in connection with this paper, please charge Deposit Account No. 08-3425 for the appropriate amount.

Respectfully submitted,

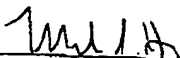
Date: September 9, 2002

  
Mark J. Hyman (Reg. No. 46,789)  
Attorney for Applicants**Human Genome Sciences, Inc.**  
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CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8

1. Fax Cover Sheet
2. Reply to Notice of Non-Compliant Amendment (37 C.F.R. § 1.121)

I hereby certify that the above-listed correspondence is being facsimile transmitted to the United States Patent and Trademark Office on September 9, 2002.

  
Mark J. Hyman  
Attorney for Applicants (Reg. No. 46,789)

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